

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RCE \$ / *zhu*

Application No. : 09/878,922 Confirmation No. : 2867
Inventor : Randall S. HICKLE
Filed : June 13, 2001
TC/A.U. : Art Unit 3731
Examiner : D. P. Erez
Title : APPARATUS AND METHOD FOR MASK
FREE DELIVERY OF AN INSPIRED GAS
MIXTURE AND GAS SAMPLING

Docket No. : 82021-0012 CIP
Customer No. : 24633

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. The required submission under 37 C.F.R. § 1.114:

- a. ☐ Was previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other
- b. ☒ Is enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit Under 37 CFR § 1.132
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other Form PTO-1449 along with references cited

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02 FC:1801

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Request for Continuation Examination dated May 4, 2005

2. ☐ **Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. §1.17(a), for the total number of months checked below:**

| <u>Total Months Requested</u> | <u>Fee for Extension</u> |
|---|--------------------------|
| <input type="checkbox"/> one month | \$ 120.00 (60.00) |
| <input type="checkbox"/> two month | \$ 450.00 (225.00) |
| <input checked="" type="checkbox"/> three month | \$1,020.00 (510.00) |
| <input type="checkbox"/> four month | \$1,590.00 (795.00) |

3. **Fee Calculation (37 C.F.R. § 1.16):**

| CLAIMS FOR FEE CALCULATION | | | | |
|---|----------------------------|--------------|------------------|---------------|
| | Number as Previously Filed | Number Extra | At Rate of | Fee \$ 790.00 |
| Total Claims (37 C.F.R. §1.16(c)) | 109 - 109 = | 0 | \$50/25 each = | +\$.00 |
| Independent Claims (37 C.F.R. §1.16(b)) | 3 - 3 = | 0 | \$200/100 each = | +\$.00 |
| Third-Month Extension of Time Fee | | | | \$ 1,020.00 |
| SUB-TOTAL = | | | | \$ 1,810.00 |
| Reduction by 1/2 for filing by a small entity | | | | -\$ 0.00 |
| TOTAL FILING FEE = | | | | \$ 1,810.00 |

4. **Miscellaneous:**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1,103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

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5. **Fees:**

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.


- a. ☒ **Check** in the amount of **\$1,810.00** is enclosed for the RCE fee noted above.
- b. ☐ The Commissioner is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1349.
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e) in the amount of \$
- ii. ☐ Extension of time fee (37 C.F.R. § 1.17(a)) in the amount of \$
- iii. ☐ Other
- ☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

HOGAN & HARTSON LLP

Dated: May 4, 2005

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